

## **REMARKS**

### **I. Formal Matters**

It appears that the Examiner is citing to an English language translation of Durst. However, an English language translation of Durst has not been officially made record. It is requested that the Examiner complete the record by citing the English language translation of Durst in a Notice of References cited.

### **II. The Election of Species Requirement**

The Examiner makes an Election of Species requirement between: Claims 1-17, including an exposed fiber; Claim 18, including a terminal connection; and Claim 19, including a non-porous fiber.

In addition, the Examiner states that Applicants have already elected claims 1-17 by original presentation.

Applicants respectfully traverse the Election of Species requirement. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, event though it may include claims to distinct or independent inventions. Note MPEP §803. Applicants respectfully submit that there is no undue burden on the Examiner to examine all of the claims together. That is, claim 1 is generic to all of the groups and that the Examiner has already searched the generic claims.

### **III. The Rejections Based on Durst et al.**

Claims 1-9, 12, 13 and 17 rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Durst et al. (DE 4308697).

Claim 10 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Wolk (US 6,148,508).

Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Frazier et al. (US 7,048,723).

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Anderson et al. (US 2002/0015952).

Claim 15 is rejected under 35 U S C 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Kitaguchi et al. (US 6,148,508).

Applicants respectfully submit that the present invention is not rendered obvious over the disclosures of Durst et al, alone or in view of the cited secondary references, and request that the Examiner reconsider and withdraw these rejections in view of the following remarks.

In the statement of the rejection for claim 13, the Examiner notes the separation function of Durst. Independent claim 1 has been amended to recite that the function is at least one of adsorption-desorption, ion exchange, removal, partition, and oxidation-reduction. Separation is not included. Support for the amendment to claim 1 and the functions recited may be found in claim 13 as originally filed.

As to claim 3, Applicants respectfully submit that Durst does not teach or disclose hollow filaments having no function.

As to claim 4, Applicants respectfully submit that Durst does not teach or disclose hollow filaments crosswise to at least another hollow filament.

As to claim 5, Applicants respectfully submit that Durst does not teach or disclose a hollow filament which is placed crosswise to itself (a filament that crosses itself).

For the above reasons, it is respectfully submitted that the subject matter of claims 1-12 and 14-19 is neither taught by nor made obvious from the disclosures of Durst et al, alone or in view of Wolk, Frazier et al, Anderson and Kitaguchi, and it is requested that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**IV. The Double Patenting Rejection**

Claims 1-11 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6, and 8 of copending Application No. 10/505,416

This is a provisional rejection. Applicants postpone response until one of the instant application or the Copending Application is in condition for allowance. See MPEP 804.I.B.

**V. Conclusion**

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §§102 and 103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Application No. 10/598,086  
Art Unit 1797

Amendment under 37 C.F.R. §1.114  
Attorney Docket No. 062904

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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